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MAY 28 2003

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Federal Communications Commission  
Office of Secretary

May 28, 2003

**EX PARTE COMMUNICATION**  
**MB Docket No. 02-277**

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, D.C. 20002

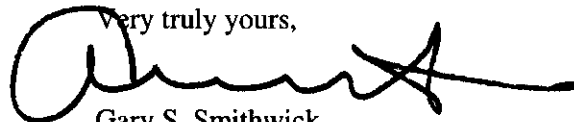
Re: Biennial Review – Radio Multiple Ownership Rules  
MB Docket No. 02-277, MM Docket No. 01-317, MM Docket No. 00-244

Dear Ms. Dortch:

On behalf of Southern Broadcasting Companies, Inc., transmitted herewith is the original and four copies of Comments in connection with the above-referenced proceeding. As noted below, we are hand serving copies on Chairman Powell, all of the Commissioners and the Chief of the Media Bureau.

If any question arises in connection with this submission, please contact undersigned counsel.

Very truly yours,



Gary S. Smithwick  
Counsel for  
Southern Broadcasting Companies, Inc.

GSS/sls

cc: The Honorable Michael K. Powell  
The Honorable Kathleen Q. Abernathy  
The Honorable Michael J. Copps  
The Honorable Kevin J. Martin  
The Honorable Jonathan S. Adelstein  
Kenneth Ferree, Esquire (Chief, Media Bureau)

# **SOUTHERN BROADCASTING COMPANIES, INC.**

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May 27, 2003

MAY 28 2003

Federal Communications Commission  
Office of Secretary

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: MB Docket No. 02-277; MM Docket No. 01-317; MM Docket  
No. 00-244, *Radio Ownership Rules*

Dear Mr. Chairman:

As the owner and operator of small, non-rated radio markets in Georgia, I have followed the proposals to change the way the FCC defines radio markets with great interest and some degree of alarm. Although small markets, we have taken great pride over the years in providing our communities with the best possible locally produced programming giving heavy emphasis to local news. We have active, full-time News Departments providing our listeners complete and comprehensive local information from election night coverage to weather emergencies.

Over the years, as other local operators have retired, our company was able to acquire their stations in keeping with the contour-based definition of radio markets that has been in place since 1992. Consequently, in some markets our clusters may not be compliance with proposed rules. This is a particularly big problem in light of recent events.

A little less than two years ago, my partner of many years, who had helped me build these radio stations, died unexpectedly. This untimely event left me in a situation of either having to borrow heavily to buy his interest in the stations or to sell the company and say goodbye to friends and employees I had worked with for many years. Although taking on large amounts of debt was not something that I wanted to do at this point in my life, the thought of giving up the stations was unbearable. These stations are more than just a business to me. They are, in fact, my life's work.

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The Honorable Michael K. Powell  
May 27, 2003  
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With the help of a local bank, I was able to raise the funds necessary to pay the **current market value** required for my late partner's interest in the radio stations. Now, however, if the new proposals for market definition make it impossible for me to keep the stations in tact or to transfer these stations as a cluster some time in the future, then my decision to borrow in order to keep these stations together may have been the worst financial decision of my life.

Mr. Chairman, I understand that some very large companies have made it necessary for you to review and potentially change the market definition rules. I can only hope that your new rules will make provisions for small operators in non-rated markets. Please consider favorably the proposals of the National Association of Broadcasters in their letter to you of May 23, 2003. In particular, their proposals to:

- Grandfather all existing clusters as long as they remain under their present ownership;  
and
- Permit pre-existing station clusters that would no longer be in compliance with the revised rules to be transferred freely.

These proposals are fair and would give us the financial stability to keep our current lending commitments and to continue providing the full-service radio stations that our communities need and deserve.

Respectfully submitted,



Paul C. Stone  
President